

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>1. TAYLEUR RAYE PICKUP; <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 20-CV-346-JED-SH</b>
	)	
<b>1. THE DISTRICT COURT OF NOWATA COUNTY, OKLAHOMA; <i>et al.</i>,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT ROGERS COUNTY COURT CLERK CATHI EDWARDS' SECOND  
NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO DISMISS**

COMES NOW Defendant Cathi Edwards, in her official capacity as Court Clerk for Rogers County, and hereby submits this Second Notice of Supplemental Authority in Support of Motion to Dismiss:

In *State v. Wallace*, 2021 OK CR 21, 2021 WL 3578089, the Oklahoma Court of Criminal Appeals recently held that the decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020) does not apply retroactively to void a conviction that was final when *McGirt* was decided. *Id.* at \*3. Previous cases that had held to the contrary were overruled. *Id.*

In the present case, Plaintiffs seek an order finding that their previous convictions and/or deferred prosecution agreements are “void,” in order to recoup fines and fees paid to the State or the relevant political subdivision. (Dkt. #2 at ¶85). Pursuant to *Wallace*, Plaintiffs are not entitled to such relief because their convictions were final when *McGirt* was decided. For that reason, Defendant’s Motion to Dismiss (Dkt. #71) should be granted and Plaintiff’s Motion to Set Status Conference (Dkt. #110) should be denied as moot.

WHEREFORE, premises considered, Defendant Cathi Edwards, in her official capacity as Court Clerk for Rogers County, submits this Second Notice of Supplemental Authority in Support of her Motion to Dismiss, and requests the Court dismiss this case with prejudice.

Respectfully submitted:

*s/ Thomas A. LeBlanc*

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*Clerk of Rogers County, in her Official Capacity*

### **CERTIFICATE OF SERVICE**

I hereby certify that on 18<sup>th</sup> day of August, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

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*s/ Thomas A. LeBlanc*